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FORENSIC DISPUTE

ON

The Legality of enslaving the AFRICANS,

HELD

At the public COMMENCEMENT

IN

CAMBRIDGE, NEW-ENGLAND,

JULY 21st, 1773.

BY

Two CANDIDATES

For the BACHELOR's Degree.

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MDCCLXXIII.

FORENSIC DISPUTES

on

the Trial of the English

and

At the public Committee

in

CAMBRIDGE, NEWCASTLE



JULY

To CANDIDATES

for the Board of Delegates

NOTES

for the Trial of the English

and the American Colonies

in the year 1766

Forensic Dispute, &c.

Forensic Dispute, &c.

A. **M**Y friend, the last question* has suggested another; which, as it is acknowledged by all to be far from unimportant, and, in the apprehensions of many, by no means improper to be attentively considered by this people at the present day; the candor of this truly venerable, this learned and polite assembly will excuse us in attempting, in a few words, to examine, *Whether the slavery, to which Africans are in this province, by the permission of law, subjected, be agreeable to*

* Colorum diversitas, diversas inter gentes ex climatum differentia præcipue oritur.

the law of nature? And since, fully persuaded of the truth of those principles, in which is founded the idea of natural equality, to the exclusion of a right in one individual of the human species to exercise any degree of authority over another without his consent, I am obliged to appear in favor of the negative of the proposition; and since, if I rightly remember, I have sometimes heard you express a very different sentiment, if you are disposed to join in the proposal, I will first attend to what may be offered on your part in support of it. And shall therefore only observe, that the strangely inconsistent conduct of mankind respecting this matter, furnishes us with reflections upon the present state of human nature by no means the most agreeable. To me, I confess, it is matter of painful astonishment, that in this enlightened age and land, where the principles of natural and civil Liberty, and consequently the natural rights of mankind are so generally understood, the case of these unhappy Africans should gain no more attention; that those, who are so readily disposed to urge the principles of natural equality in defence of their own Liberties, should, with so little reluctance, continue to exert a power, by the operation

operation of which they are so flagrantly contradicted. For what can be said of that exercise of power, whereby such multitudes of our fellow-men, descendants, my friend from the same common parent with you and me, and between whom and us nature has made no distinction, save what arises from the stronger influence of the sun in the climate whence they originated, are held to groan under the insupportable burden of the most abject slavery, without one clearing beam to refresh their desponding souls ; and upon whose dreary path not even the feeblest ray of hope is permitted to dawn, and whose only prospect of deliverance is—in death. If indeed the law protects their lives, (which is all that can be said even here, and more—shame to mankind !—more than can be said in some of our sister colonies) the only favor these unhappy

¶ According to an act of Virginia (4 Anne, Ch. 49. sect. 37. p. 227.) " After proclamation is issued " against slaves that run away and lie out, it is law-
ful for any person whatever, to kill and destroy such
slaves by such ways and means as he, she, or they
shall think fit, without accusation or impeachment of
any crime for the same," &c. And it is enacted in
the

py people receive, from such protection, is a continuation of their misery ; the preservation of a life, every moment of which is worse than non-existence. A favor this, no doubt, that in a very special manner demands acknowledgement !

B. Though conscious, my friend, of my inability, the most advantageously to represent the arguments in favor of this proposition, especially when circumscribed within the narrow limits the present occasion will allow ; yet clearly convinced of the propriety of attentively considering this question, especially at a period when persons of every denomination are so justly affected with a sense of Liberty, I readily comply ; rather hoping that if any present, are in doubt respecting this matter, they will take occasion from hence, so fully to examine it, as to procure satisfaction to themselves, than expecting what shall be now offered on my part will have so desirable an effect.

the succeeding clause (No. 38.) " That for every slave killed, in pursuance of this act, or put to death by law, the master or owner of such slave, shall be paid by the public."

I am well aware of the difficulty of his task who attempts to defend a proposition of this nature. An heart replete with benevolence and compassion will hardly admit reasoning that involves principles seemingly incompatible with the happiness of *any*. Suffer me therefore to entreat you, that every tender sentiment, that even the feelings of humanity may be suspended, while we calmly attend to the voice of reason, which is the voice of nature's alwise and benevolent Author.

That Liberty to all is sweet I freely own ; but still 'tis what, in a state of society at least, all cannot equally enjoy, and what even in a *free* government can be enjoyed in the most perfect sense by none. Such is the nature of society, that it requires various degrees of authority and subordination ; and while the universal rule of right, *the happiness of the whole*, allows greater degrees of Liberty to some, the same immutable law suffers it to be enjoyed only in less degrees by others. And though my friend, I can most cordially join with you in the benevolent wish, that it were possible that these Africans, who I am free with you to call my brethren, and to whom, it is confessed, the *well* principles

principles of our civil constitution allow but a small degree of liberty, might enjoy it equally with us; yet till I am convinced it might comport with the rule above mentioned to allow them more I am in duty bound to appear an advocate for those principles.

Let it therefore be remembered, that the question to be considered is, "Whether the slavery, to which Africans are in this Province, by the permission of law, subjected, being agreeable to the law of nature?"

It is, I presume, scarcely necessary to observe to you, that by the law of nature is intended that law which is the measure of all our moral actions, and by which their fitness and propriety, and consequently their justice or injustice, are to be determined. In other words, that law to which whatever action is in its nature fit and proper, just and right, is agreeable; and to which every action of an opposite nature is disagreeable. This, then, being intimated by the law of nature, whether the justice of African slavery, if found agreeable to this law, is defensible, will be needless to inquire. But it will be said, through this definition of the law

law of nature be admitted, we are still to be informed what those actions are, that are agreeable to this law, and consequently right. I answer, whatever action in it's nature, concomitant circumstances being considered, tends to *happiness on the whole*, is agreeable to this law, and every action of a contrary tendency is hereunto disagreeable. And hence it will follow, that whatever practical principle of society, (which is to be considered as the action of the community) hath this tendency, is to be reputed just, and approved and adopted, and those of a contrary tendency consequently disapproved.

To demonstrate this, it will be necessary only to observe, that as nothing in nature can possibly be of the least consequence but happiness or misery, so the difference in the tendency of the practical principles of any society to the production of these, is the only thing that can possibly render some eligible, fit and proper, rather than others ; and was it not for this distinction, it must forever remain a matter of perfect indifference, what practical principles were in any society adopted. But with-

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out stopping more fully to demonstrate the truth of this principle, it having been recognised as well by the generality of ethic writers, as by the wisdom of all good governments, I shall proceed to enquire, how far it will operate to the determination of the present question.

And in the first place, I shall enquire into the agreement of the law of nature with the idea of slavery *in general*, in opposition to that principle of natural equality, which is so zealously contended for by the advocates for universal Liberty.

By slavery *in general* I mean the involuntary subordination of the will of one to that of another; whereby, independent of all compact, the actions of the former are in all things to be directed by the will of the latter. Now if slavery *in general*, according to this definition, be agreeable to the law of nature, the principle of natural equality must fall, and in order to determine the question in dispute, it will be necessary only to apply the general principle to the case of the *African* subordination, whereby it will be easy to discern if there is

is any thing in the nature of their particular case not agreeable hereto.

I am therefore now to shew, that slavery, as above defined, is not repugnant to the law of nature, and therefore that the principle of natural equality cannot be true.

That right of authority is to be found in some being involving subordination in others, independent of all voluntary contract on the part of the subordinate, is, as far as I know, universally acknowledged. Such is the right of the Governor of the universe to govern and direct the conduct of all finite existences, and such is the right of parents to govern and direct the conduct of their children. Now if it be found, that there is the same foundation for authority and subordination among different individuals of the human species, between whom no such relations as those above-mentioned do subsist, as there is for authority and subordination in those cases where it is acknowledged to be just, it will follow, that degrees of rightful authority in some, involving degrees of subordination in others, must be admitted among them likewise. In other words

words, if the *reason* and *foundation* of the *absolute* authority of the Governor of the universe over the creation, and the *limited* authority of parents over their children, be found to operate with equal strength in favor of a right of some individuals among mankind to exercise any degrees of authority over others, the exercise of such authority must be acknowledged just, i. e. agreeable to the law of nature. And now to determine this question, it is necessary to inquire, in what the right of authority, in the cases abovementioned, is founded : And here the answer is obvious, in *the greatest good of the whole*. For since the Governor of the universe is possessed of power, wisdom, and goodness in perfection of degree, it is impossible but that the greatest happiness to the creation should be the result of his exercise of the most absolute sovereignty. And though this right of absolute authority in the Creator over his creatures be inseparable from the relation between Creator and creature, yet it is not founded simply in that relation, that is, in the idea of derived existence ; but in the natural imperfection and dependance of the creature, and the natural perfection of the Creator, and the reason of the necessarily absolute subjection of the creature does not consist merely in his

his having *received existence*, but in his having received it from *such* a Being ; a Being by the perfection of his nature qualified for the most perfect government, and under whose administration it is impossible but that the before-mentioned immutable law of nature, the greatest happiness of the whole, should operate to effect. Agreeable to this is the foundation of the natural authority of parents over their children ; it by no means consisting in the notion of *derived existence* ; but in the different qualifications of parents and children to execute this immutable law : For while parents so far excel their children in wisdom, and from natural affection are disposed to promote their happiness, it will follow, that more happiness will result to both, from the exercise of authority in parents, and subordination in children, than from the exercise of equal Liberty in each. And that this authority of parents over their children is derived from this source, and not from the natural relation subsisting between them, considered merely as parents and offspring, is moreover evident beyond all contradiction from this consideration, that whenever the parent is by any means disqualified, in the respects before mentioned, to direct the conduct of his child, the subordination of the child ceases.

If this, which I think none will deny, be a just representation of the foundation in *nature* of authority and subordination ; in order to justify involuntary slavery *in general*, in opposition to the notion of *natural equality*, it is necessary only to inquire, whether among different individuals, between whom there is no such natural relation as that of parent and offspring, there be not the same reason, ground, and foundation in nature for the exercise of authority in some, necessarily involving subordination in others, which there is in cases where such relation actually subsists. And concerning this, no one surely can remain a moment undetermined, who reflects with the least degree of attention, upon the vast inequality observable between different individuals of the human species, in point of qualification for the proper direction of conduct. Now whether this inequality be considered as arising from difference in natural capacity, difference in the means of improvement, or in disposition properly to employ such means ; in a word, whether it arises from nature or education, or any other supposeable quarter, it matters not, while this is in fact the case, while some are actually found so far to excel others both in respect of wisdom and benevolence, both in

the knowledge of the principles of propriety, and a disposition to practice such principles, that the general end, happiness, would be better promoted by the exercise of authority in the former, though necessarily involving subordination in the latter, than by the enjoyment of equal Liberty in each, the exercise of such authority must be right, and never the less so, though the individuals by such an œconomy subordinated, do not consent. It is fit that children should be subjected to the authority of their parents, whether they consent to such subjection or not ; this is put beyond all possibility of doubt by the express declaration of wisdom which cannot err ; nor to mention the consent of all ages in their approbation of the principles of those civil societies which have warranted the exercise of such authority. Every law is applicable to all cases within the same reason ; and since it cannot be denied that the reason of authority and subordination between parents and children, equally applies to the support of a distinction of the same kind among others not so related, it follows inevitably, that a distinction in the latter case is equally justifiable with one in the former ; they are both supported by the same principle of natural law, and therefore must stand or fall together.

I have introduced these observations upon the foundation of the authority of the Governor of the universe over the creation, and of parents over their children, for the sake of example, rather than as necessary to support the general idea of inequality : I say as necessary, for while there is so manifestly great an inequality in the capacities and dispositions of mankind to direct their own as well as the conduct of others, to its only proper end, I think it demonstrable, that the principle of absolute equality could not be supported, even though we had no argument from fact by which it might be illustrated. And in truth, I think, before the principle of absolute equality can be maintained, it must be made to appear, that all mankind, in point of capacity and disposition to conduct properly, are equal.

It now remains only to apply these general principles to the particular case of *Africans* in this country, and see what degree of authority the people here are thereby warranted to exercise over them ; and if it shall appear in fact, that they are not reduced by the law of this land to a degree of subordination beyond what the law of nature abovementioned, the happiness

happiness of both, requires, it will follow undeniably, that the law by which they are thus subjected is just.

A. Before you proceed to the application you mention, permit me to make an observation, that perhaps may render such application unnecessary. I think you have by no means supported the idea of Slavery *in general*; but that your argument in favour of natural inequality, though ingeniously enough conducted, is manifestly inconclusive; and that the contrary, notwithstanding all you have alledged, may still be true. For though I acknowledge, that in every society the practical principle that in it's operation tends to the greatest happiness of the whole is right, i. e. agreeable to the law of nature, and that the *absolute* authority of the Governor of the universe, and the *limited* authority of parents over their children is founded in the reason you alledge; and also admit, among different individuals, all those different degrees of qualification for the proper direction of conduct for which you contend; yet that the natural right of independence is hence excluded, and the principle of natural equality consequently over-

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thrown is by no means acknowledged. The reason is obvious, that the principle for which you contend is in the nature of things utterly impracticable ; your conclusion therefore, from premises implying a false hypothesis, cannot be admitted.

The exercise of authority, only in cases where such exercise is productive of happiness, is undoubtedly right : But such is the constitution of things with regard to man, such his nature, state, and condition, as renders it absolutely impossible that a principle, warranting the exercise of authority in any particular case, independent of the consent of the subordinate, should be correspondent to this end. And for this good reason, that it is impossible for human wisdom to distinguish the cases where the exercise of such authority would be proper, from those where it would not be so ; and could this be effected, it would still be utterly impossible for any *practical principle* of society, for any human *law* to make the distinction. The same law which would warrant the exercise of authority in one case, must of necessity warrant it in another ; unless it could be supposed, that some infallible judge could be present

sent at all times, and in all places, and direct the operation of law in every particular case. And were even this possible, it might still be doubted whether the principle of natural equality would be overthrown. Such are the weaknesses and imperfections, the passions and prejudices of the best of men, and so deeply are all impressed with a sense of Liberty and independence, that it may well be questioned, whether a law, warranting authority in those cases only where it would be most proper, were such law possible, would operate more to the general happiness, than a law establishing the principle of natural equality : For tho' in that case, many would conduct less foolishly than they now do ; yet the idea of servitude, and dependence upon the will of another, would be a perpetual, and not unfruitful source of misery. But whatever might be the effect of such a constitution, since that is confessedly impossible, it is evident beyond all contradiction, that the principle of natural equality is infinitely better adapted to the general end, happiness, than any other practical principle that can possibly be established. Hence I think it is manifest, notwithstanding the plausible appearance of your reasoning in theory, since it will not endure the true touchstone

stone of practice, that slavery, which many to their cost know to be a practical thing, is far from being supported thereby.

Your notion of the ground and foundation of natural authority, in the examples you have adduced, is undoubtedly just, and consent in those cases, is by no means necessary to subordination, but, unfortunately for your conclusion, the cases are far from being applicable to the point in hand : For as in one case, perfection of wisdom and goodness excludes the possibility of error, and renders the most perfect subjection necessarily best ; so the principle of affection implanted by the Author of nature in the breast of the parent, inspiring such a tender concern for the welfare of his offspring, and so strongly operative to the production of kind offices towards him, together with the natural inability of the child, through weakness or inexperience, to be his own director, may well warrant a general rule of limited subordination in the other. And when you have shewn me the man, or number of men, capable of infallibly directing the conduct of others, the exercise of authority in them, shall not want my approbation. And when

when you shall point out to me any classes of men, between whom there is such a comparative difference in point of ability for the proper direction of conduct, as between parents and children, and the *same* disposition in the superior towards the inferior, that the Author of nature has implanted in the hearts of parents towards their children, I will readily acknowledge the exercise of a like degree of authority justifiable by the law of nature.

But I am much at a loss to conceive how your reasoning in favor of slavery *in general*, were it ever so fully conclusive, could possibly justify us in thus forcibly subjugating the *Africans*, between whom and us nature seems to have made no such difference as that, upon which you suppose the notion of *natural inequality* to be founded : For I suppose you will hardly imagine the darkness of a man's skin, incapacitates him for the direction of his conduct, and authorises his neighbours, who may have the good fortune of a complexion a shade or two lighter, to exercise authority over him. And if the important difference does not lay here, it seems not very easy to determine where it does ; unless perchance, it be in the quality of their hair ; and if the principle

principle of subordination lies here, I would advise every person, whose hair is inclined to deviate from a right line, to be upon his guard. If indeed any should alledge, that they are distinguished by the flatness of their noses, I can't but think this circumstance against them, for if a man is to be led and governed by the nose, it may well be questioned, whether a nose of a different figure would not be better adapted to the purpose.

B. My friend, I am no enemy to humour, but I think it rarely serves to illustrate a logical conclusion. I confess my argument, as you have represented it, appears ridiculous enough ; but if you had deferred your reply till I had made an application of the principle to the point in hand, perhaps it had saved you this needless expence of wit. I have not pretended, as a consequence from my principles, that every degree of superiority in point of discretion would warrant to any individual of a community a right to exercise authority over his neighbour : I have only contended, that the notion of *equality*, in the strict sense, had no foundation in *nature* ; but as happiness is the only end of action, so superiority in wisdom, & knowledge, & good nature, & goodness,

goodness, &c. is in the nature of things a proper foundation of authority. And as nature has made differences among creatures in these respects ; so it is fit and proper, and agreeable to nature's law, that different degrees of authority in point of direction of conduct should be exercised by them ; and that in some cases, even among the human species, this difference is so important, as to render the exercise of authority justifiable, even without the consent of the governed : For this I have produced an example from fact, in the case of parents and children. All this you have implicitly allowed. I now go on to say, as a consequence from the same acknowledged principle, that whenever such a connection of things takes place, that any number of men cannot, consistently with the good of the whole, have a residence in any community but in a state of involuntary subordination, and that their residence in such community notwithstanding such subordination, be in fact best for the whole; such subordination, though involuntary, is no violation of the law of nature ; but on the contrary to all intents and purposes correspondent thereto. This is a true conclusion from premises uncontested,

sestible, principles universally acknowledged, and which you yourself have but now admitted. Subordination in this case comes fully within the reason of the subordination of children, rests on precisely the same foundation, and is therefore justifiable on precisely the same principles. For whether the necessity of such subordination arises from natural incapacity, or from any other quarter, it matters not, if this is in fact the case; if the interest of the whole does require it; let the causes or reasons of such requirement be what they may, such subordination is equally justifiable as in any other case whatever; not only in the case of children, but even in the case of consent; for the obligation to submission arising from consent, is founded in the general obligation to fulfil contracts; which obligation is ultimately founded in the good of society.

Now fully within this predicament lies, as I conceive, the particular case of Africans in this country. That it is only in a state of limited subordination (I say *limited*, for it is to be remembered, that the authority of those to whom they are subordinate, is restricted by the superior authority of law, to which we are all subordinate, and which provides that they,

they, as well as others, shall be treated according to the general principles of humanity) that these people can consistently enjoy a residence among us is, I suppose, acknowledged by all. And whether it is not better for them to reside here, notwithstanding such subordination, even regard being had to their interest only, than in their native country, no one can doubt, at least no one, who has a tolerably adequate conception of their misery, and wretchedness there. Figure to yourself my friend, you are not unacquainted with *African* history, figure to yourself the delightful situation of a natural inhabitant of *Africa*. View him necessarily destitute of every mean of improvement in social virtue, of every advantage for the cultivation of those principles of humanity, in which alone consists the dignity of the rational nature, and from which only source springs all that pleasure, that happiness of life, by which the human species is distinguished from the other parts of the animal creation. Consider his situation as a candidate for an eternal existence; view him as necessarily ignorant of every principle of that religion, through the happy influence of which alone the degenerate race of Adam can rationally form the most distant expectation of fu-

ture felicity. View him moreover in a state of the most abject slavery, a slavery of the worst kind, a slavery of all others most destructive of human happiness,—an entire subjection to the tyrannizing power of lust and passion,—wholly devoted to the governing influence of those irregular propensities, which are the genuine offspring of depraved nature, when unassisted by philosophy or religion. Behold him actually clothed in all that boorish stupidity, that savage barbarity which naturally springs from such a source. Add to this, his condition of perpetual insecurity, arising from the state of hostility and war that forever rages in those inhospitable climes; and consider the treatment he is to expect, whom the fortune of war has subjected to the power of his enraged foe, whose natural cruelty is perpetually sharpened, and whose desire of revenge is continually cherished, by a sense of his own danger. Reflect, I say, a moment upon the condition of a creature in human shape, (for in such a state of degradation one can hardly call him a man) the misery, the wretchedness of whose situation is by these expressions but faintly represented; and compare it with the condition of a slave in this country; and then see if you can hesitate one moment which

which of the two is most eligible. If peradventure a doubt should arise, if you will please to enquire, whether you would rather choose one, for whose prosperity you was tenderly concerned; should be educated in *Africa*, with all the immunities of a native *African*, or in this country, though in that state of subordination, to which *Africans* are here subjected, I will venture to warrant you of every such doubt a speedy resolution.

Here then I rest the argument, for upon this point the present question must infallibly determine. Notwithstanding all the uneasiness attending subordination, and all the miseries to which an *African* is exposed in his removal from his native country; while his condition here is so much more eligible than his condition there, his removal is to be esteemed a favor: And the constitution of our government, whereby such removal is countenanced and encouraged, is by no means to be esteemed reprehensible. It is in vain to alledge here the want of consent on his part. It is evident from the reasoning above, that consent, in order to subjection, is necessary in those cases only where the end of authority, the greatest possible good, cannot be promoted without

without it : But who I beseech you, ever thought the consent of a child, an ideot, or a madman necessary to his subordination ? Every whit as immaterial is the consent of these miserable *Africans*, whose real character seems to be a compound of the three last mentioned. What can avail his consent, who through ignorance of the means necessary to promote his happiness, is rendered altogether incapable of choosing for himself ? And as the consent of such a being could by no means involve subordination in a case where it would be otherwise improper, so the want of it can be no bar in a case where it would not. In all such cases it is undoubtedly the duty of those, whom providence has favored with the means of improvement in understanding, and the wisdom resulting from such improvement, to make use of their discretion in directing the conduct of those who want it.

I am sensible that I have already dwelt too long upon this argument ; you will however in this connexion, permit me to add, that were involuntary subjection, in all cases, contrary to the law of nature, it is impossible to suppose, that the Governor of the universe, whose wisdom is infinite, and whose will is eternally and

and immutably coincident with, and *when revealed to us*, the measure of, this law, should ever have expressly tolerated it in any particular instance. I mention this in the present connexion, the rather because I suppose the authority, the Israelites, when under a government absolutely theocratical, were permitted to exercise over strangers, was founded in the same reason with the authority, for which I contend, viz : that it was better for them to reside among a people, where they might have some opportunity for improvement in knowledge and virtue, though in a state of subordination, than to remain amongst the barbarous and idolatrous nations, whence they originated.

Were it necessary or expedient, it would be easy to shew, by comparison, in a great variety of instances not mentioned, the superiority of a slave in this country, in point of condition, to a natural inhabitant of *Africa*. And though it be too true, that these unhappy creatures are, in many particular cases, cruelly treated, yet, while their importation is to them a redemption from a condition on the whole so much more miserable, we must, as I said before, justify the government in tolerating such importation ; and with regard to the

the particular instances of abuse, we can only say *caveant qui sunt conscientes*.

I have omitted the right, sometimes pretended to be derived from purchase, because I look upon the argument to be trifling. For though right of authority, if it be well founded, be possibly, in some cases, transferable, yet it is well known, that all the authority any one of these miserable creatures can pretend to over another, is founded merely in the fortune of a brutal, savage war, conducted without the least regard, on either side, to any principles of equity, justice, or national honor ; and for the right of authority so founded I have no disposition to contend. But I think there is much more in their argument who contend that, by the purchase of these victims, their lives are preserved, which would otherwise undoubtedly be sacrificed to the cruelty of the captors. For though I am sensible, that to this is commonly replied, that the custom of purchasing captives is a perpetual source of war ; yet if we consider that a people, so inhumanly savage as to dispose of their nearest relations for baubles, can never want matter of discord ; and that, was it not for the advantages in this way made of them,

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the captives would generally perish, we shall have no reason to doubt whether the custom of purchasing may in this way be considered as a favor.

On the whole, since it is evident beyond all controversy, that the removal of the *Africans*, from the state of brutality, wretchedness, and misery, in which they are at home so deeply involved, to this land of light, humanity, and christian knowledge, is to them so great a blessing; however faulty any individuals may have been in point of unnecessary cruelty, practised in this business; yet, whether the general state of subordination here, which is a necessary consequence of their removal, be agreeable to the law of nature, can by no means longer remain a question.

A. Notwithstanding all you have so ingeniously alledged in support of this question, I am still obliged to confess myself one of those in whom your reasoning has failed to produce conviction: And must be excused in saying that the justice of slavery *generally understood*, is still, for aught I am able to discern, far from being supported.—It is true the Israelites

when under a theocratical government were permitted, under certain circumstances, to exercise authority over strangers resident among them. And this is adduced as an argument, infallibly conclusive in favor of slavery. But is it certain that this conclusion is not drawn a little too hastily?

The Governor of the universe has, in a certain instance, expressly tolerated slavery. Nothing was ever by him tolerated but what was agreeable to the law of nature. Therefore,—Slavery is lawful. The man must have a very extraordinary talent who can deduce this conclusion from such premises.—It is readily granted, that thus much may be justly inferred from them, viz. that such a particular connexion of things *once* took place, as rendered slavery, under the express permission of the Governor of the universe, lawful. But will it follow from hence, that slavery is ever lawful *without such permission*? As well may we infer a right, by the law of nature, to put any who are unable to resist our power, under harrows and axes of iron, and in a word, make the particular precept in any case, given the Israelites, a measure, whereby to explain those general laws of nature, which are to regulate the conduct

duct of *all mankind*. It is undoubtedly true, that every express declaration of the Governor of the universe is agreeable to, and justly explanatory of, the law of nature, as far as such declaration extends : And the conduct of any particular person, or people, which is agreeable to such declaration is most certainly right ; but it can never be certainly inferred from hence, that a like conduct in others, not having the same warrant, is agreeable to this law : For the imperfection of human wisdom renders it forever uncertain, whether the cases are in all respects similar ; and consequently, it can never be *certainly* determined, that the same conduct will, in both cases, have the same natural tendency to happiness ; and hence the same conduct, that in the former case was right, *may* in the latter, be wrong. But could even this be ascertained, there would still remain an insuperable difficulty in determining the actions of one people to be right, *merely* from an express toleration of the same, or like actions in another : And this arises *solely* from the *want* of such toleration. If it be objected, that an action, in it's nature unfit, could not be tolerated ; it may be answered, that the same action, *when so expressly authorised*, may be fit and proper, and in it's nature right,

which without such toleration, would not be so ; and for this plain reason, that the same action, when by rightful authority permitted, may have on the whole a tendency to happiness, which without such permission, would have an opposite tendency.

If this reasoning be just (the validity of which, I am happily too well acquainted with your knowledge of the principles of argumentation, to doubt whether you will dispute) how far the lawfulness of the practice of slavery among the Israelites, when expressly tolerated by the Governor of the universe, will justify a people in a like practice, to whom no such toleration has ever been granted, is by no means difficult to discern. And before the principle of natural equality can be overthrown, the tendency of slavery to the good of mankind, must, by arguments drawn from *the nature and constitution of things*, be made evidently to appear.

I have no disposition to contend for the support of principles not founded in sufficient reason ; was I convinced, that the principle of natural equality, *universally understood*, was not

not founded in the general good of mankind, notwithstanding the consent of philosophers in all ages, I would readily give it up. And was I persuaded, that the practice of enslaving *Africans*, as tolerated in this province, was consonant to this end, I should no longer doubt of it's propriety : But unhappily for my apprehension this is far from being the case,

Was it possible to consider this case as standing alone, independent of it's connexions with practices of a like kind in other places, and the more extensive influence it may consequently have upon the happiness of mankind, it is at least doubtful if it would then be right. I am ready to allow, that was it *certain* that their condition here is happier on the whole, than in their own country, your premises, in this *independent view* of the matter, would well warrant your conclusion ; but even this I apprehend is far from being true. You have represented the misery and wretchedness of these people in their native land, in a light indeed disagreeable enough : But I am still disposed from my apprehension of the dignity of the rational nature, at least to hope that your colouring is a little too strong ; and that notwithstanding

withstanding the unhappy state of degradation into which they are confessedly sunk, they are still some degrees above brutes. It is acknowledged that they are extremely unacquainted with the politer arts, and almost wholly ignorant of every thing belonging to science, and consequently strangers to all the pleasures of a scholar and a philosopher ; they are also confessedly destitute of an acquaintance with the principles of urbanity and consequently want, in a great measure, the happiness resulting from a well regulated civil society ; their condition is allowedly not greatly different from a state of nature ; though it is to be remembered, that if modern writers of the best reputation are to be credited, their manners, in most parts of that extensive country, are far less savage and barbarous ; their conveniences and enjoyments much more numerous, and in a word their manner of life much more agreeable than has been heretofore represented. ¶

And

¶ We beg leave to subjoin some extracts from several authors, quoted by Anthony Benezet, in a work, published at Philadelphia in 1771.

Page 15, and 16. M. Adanson, correspondent of the royal academy of sciences at Paris, who spent four years in making natural and philosophical observations on the country about the rivers Senegal and Gambia, speaking

And indeed it is not to be wondered that those who have been disposed to make a gain by this iniquitous practice of enslaving their fellow men, should be careful, for their justification, to represent them as nearly upon a level with the brute creation as possible ; not to mention the ridiculous attempts that have, in this view, been made to prove them actual-

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speaking of the appearance of the country, and the disposition of the people, says, " which way soever I turned my eyes on this pleasant spot, I beheld a perfect image of pure nature ; an agreeable solitude, bounded on every side by charming landscapes ; the rural situation of cottages in the midst of trees ; the ease and indolence of the *Negroes* reclining under the shade of their spreading foliage ; the simplicity of their dress and manners ; the whole revived in my mind the idea of our first parents, and I seemed to contemplate the world in it's primitive state. They are, generally speaking, *very good natured, sociable and obliging.* I was not a little pleased with this my first reception ; it convinced me, that there ought to be a considerable abatement made in the accounts I had read and heard of the savage character of the *Africans.*" Adanson's voyage to Senegal, &c. page 54.

Page 10. Francis Moor, in his account of the Fulâ blacks, says, " Their form of government goes on easy, because the people are of a good quiet disposition, and so well instructed with what is right, that
" the

ly of another species. But granting their condition to be, as in fact it is, comparatively low; that their sources of happiness, when compared with those which the members of a well-ordered civil society enjoy, are few; yet it is not to be forgotten, that their appetites and desires are in some good measure proportional.

Nemo

" the man who does ill is the abomination of all, and
 " none will support him against the chief. If any of
 " their people are known to be made slaves, all the
 " Fulis will join to redeem them; they also support
 " the old, the blind and lame amongst themselves, and,
 " as far as their abilities go, they supply the necessities
 " of the Mandingos, (among whom they dwell) great
 " numbers of whom they have maintained in fa-
 " mine." The author adds, " that they were rarely
 " angry, that he never heard them abuse each other."
Moor's travels into distant parts of Africa, page 21,

Smith and Bosman, who had been in Guinea, speak-of the kingdom of Whidah on the slave coast, united-ly declare, " That it was one of the most delightful countries in the world—That the natives were kind and obliging, and so industrious, that no place which was thought fertile, was left uncultivated."

Smith's voyage to Guinea, page 149. Bosman's de-scription of Guinea, page 316.

Smith, speaking of their government, observes,
 " That the gold coasts and slave coasts are divided
 " into

Nemo desiderat quæ ignorat. The benevolent author of our being has accommodated our natural desires in a great measure to the natural means of gratification. And he who attentively considers the anxious and perplexing cares ; the fatiguing and often fruitless labors ; the cravings of *unnatural appetites* ;

the

" into several districts, some of which are governed by their chiefs or kings ; the other being more of the nature of a commonwealth, are governed by some of the principal men, who, Bosman says, are properly denominated civil fathers ; whose province it is to take care of the welfare of the city or village, and to prevent tumults." Smith 193.

In Astley's collections it is remarked, as an excellency in the Guinea government, " That however poor, they may be in general, yet they have no beggars there. Which is owing to the care of their chief men, part of whose province it is to see that such people earn their bread by their labor." Astley's col. 2 Vol. page 619.

Bosman ascribes a further reason for this good order, " That when a Negro finds he cannot subsist, he binds himself for a certain sum of money, and the master to whom he is bound, is obliged to find him necessaries. That his service is not in the least slavish, being chiefly to defend his master on occasions ; or in sowing time to work as much as he himself pleases." Bosman, page 119.

the frequently disappointed views and expectations ; and, in a word, the various and almost innumerable *new* sources of infelicity *naturally*, and many of them *inseparably* connected with what is commonly called a state of civilization, will perhaps perceive that the difference, in point of *real* happiness, between the scholar, the courtier, and the simple child of nature, is far from infinite. But allowing it to be very considerable, allowing that the privileges and advantages of a *free* member, of a *free society*, where useful sciences and the liberal arts are patronized and flourish, and where all those principles that beautify and adorn the rational nature are cultivated, are comparatively very great : What, I beseech you has all this to do with the present question ? What advantage is all the learning of this country to those ignorant wretches, who are now practising their ludicrous gambols on yonder common, except indeed that it generally procures them one day in the year, a dispensation from the severity of their servitude—What is all our boasted acquaintance with science and the politer arts to these miserable creatures, who, by their situation, have little more concern in these matters

matters than their brethren in the middle regions of *Africa*; and which knowledge, could they obtain it, must serve only to increase their misery? What a blessing, for example, would a knowledge of the principles of civil Liberty be to a person perpetually doomed to a state of the most abject slavery?—In their native country, though their condition be indeed contemptible enough, they have the blessing of *Liberty* to sweeten every pleasure, and give a relish to every enjoyment: But here, though their condition were in other respects much more favourable than it is, while conscious of perpetual and absolute dependance upon the will of others, this reflection, so opposite to the strong sense of *Liberty* implanted in the heart of every son of Adam, must necessarily mar the happiness of every gratification, effectually chill the sense of pleasure, and stop every natural source of felicity. A keen excruciating sense of liberty forever lost must still predominate, till, the spirit broken by the fatigue of incessant distress, they sink into a state of lifeless insensibility. And then forsooth we are presently disposed to tax them with natural stupidity; and make the very thing that our unnatural treatment has occasioned the ground of our justification.—It is well known, that stupidity is by no means the na-

atural characteristic of these people ; § and when we consider the nature of their condition in this country, how miserably dejected, depressed and despiled, instead of marking their want of apprehension, we ought rather to admire that there are any the least appearances of sensibility remaining in them.

But it is alledged, “ that at home they are “ in a perpetual state of war, and that by the “ purchase of captives many lives are preserv-“ ed, that would otherwise be devoted to de-“ struction.” Surprizing indeed ; that here, as in the former case, the very evil that this practice has occasioned should be alledged in excuse of it ! One must have a favourable opinion indeed of that cause which needs the support of such arguments !—These people are naturally peaceable, and less inclined to acts of hostility than the generality of mankind ; † the nature of their climate disposing rather

§ Griffith Hughes, rector of St. Lucy in Barbadoes, in his natural history of that island, speaking of the Negroes, says, “ That the capacities of their minds in common affairs of life are but little inferior, if at all, to those of the Europeans. If they fail in some arts, he says it may be owing more to their want of education and the depression of their spirits, by slavery, than to any want of natural ability.”

† Smith, mentioned above, who had resided ten years in Africa, says, “ that the discerning natives account it their greatest unhappiness that they were ever visited

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rather to the softer pleasures, than the fiercer passions. This though long smothered is now a truth well known ; and 'tis astonishing that the patience with which they endure the cruellest servitude, should not, long e're this time have rectified this mistake. But I may not enlarge here ; the absurdity of this argument is too glaring to justify a serious confutation.

It is also alledged, that " in their own country " they are unnecessarily ignorant of the principles of our holy religion." This indeed, generally understood, is confessedly a melancholy truth. The advantages they enjoy from revelation are not to be mentioned. Those feeble rays of nature's light which the fatal apostacy of our original parents has happily left unextinguished in their posterity, are

their

" by the Europeans"—" That we christians introduced
" the traffick of slaves, and that *before our coming they*
" *lived in peace.*" Smith page 266.

Bosman remarks, " that one of the Dutch commanders gave large sums of money to the Negroes of one nation to induce them to attack some of the neighbouring nations, which occasioned a battle which was more bloody than the wars of the Negroes usually are." Bosman page 31.

Barbot, agent for the French factory, says, " That the country of D'Elmina, which was formerly very powerful and populous was in his time so much drained of it's inhabitants, by the intestine wars, fomented among the Negroes by the Dutch, that there did not remain inhabitants enongh to till the country.

their almost only guide: And the insufficiency of these, for the purposes of moral direction, is confessedly but too evident from the ignorance of those, who are unhappily favored with no other directors. But admitting this to be the case, that the advantages enjoyed by this people, of a religious nature, are extremely small; before an argument can be hence derived in favor of their removal to this country, it must be shewn that the advantages they here enjoy are greater. But if we examine the religious advantages of slaves in this country, I fear we shall find, to the dis-honor of our profession, that they are not greatly superior to those of their brethren in *Africa*, at least the excess will fall far short of an equivalent for the excess of their misery.

It is true, that in most parts of *New-England*, slaves are sometimes permitted to attend public worship, but how much is to be expected from this, without the addition of private instruction, which heaven knows is but sparingly afforded them, their acquaintance in general with the principles of christianity abundantly demonstrates. And if we consider their opportunities of instruction, in connexion with fixed prejudices against a religion, whose professors they naturally consider as avowedly violating

violating one of the plainest laws of nature ; and add to this, the strong temptations they are under, from the nature of their condition, to every species of iniquity, we shall hardly expect to find in them more of the spirit of true *practical* religion, than is to be found in those who never heard of the gospel. And whether this is not in fact generally the case, is by no means a question to those who are acquainted with them. But admitting the possibility that some individuals, may be benefited in this way ; shall this be alledged as an equivalent for all the miseries to which these people are, by this practice, inevitably subjected, for the sure and certain destruction to which such multitudes are hereby devoted ? As well may the design of propagating christian knowledge, be alledged in excuse of the shocking cruelties practised on the miserable *Americans*, by their merciless destroyers, the Spaniards and Portuguese. Thus we see this formidable argument turns out upon examination, not less deficient than those aforementioned ; and this practice of enslaving our fellow men, though considered in this independent view, notwithstanding all that can be alledged, must be acknowledged altogether unjustifiable.

But

But we must not stop here : Upon your own principles, we must consider this practice *in all its connexions*; we must not only regard the evils of slavery in *this country*, but must take in also the miseries and calamities that are by this means brought upon *any* of the human race. Before this practice can be justified, it must appear to be productive of *general* happiness; it must correspond with the *general* good of the *whole*. Now if we consider the practice of slavery in this country, in it's tendency to countenance and encourage the same thing, as it is practised in the southern colonies, and West-Indies, it will appear much more glaringly iniquitous and unjust. Several hundred thousands of those unhappy creatures, are, by the best information, annually exported from the various parts of *Africa* to *America*, a great proportion of whom, thro' the shocking, the unparalleled sufferings of transportation, miserably perish on the voyage, and as to those who unhappily survive, to enter upon that state of perpetual servitude, to which they are destined, it is well known, that they are treated with less humanity, more merciless severity, and savage barbarity, than reason would warrant us to exercise towards the meanest

meanest of the brute creation. || It would wring drops of blood from an heart of adamant to relate the cruel sufferings of these unhappy people, in those countries, who, at the same time, have less advantages for christian knowledge, than the natives of California, or the inhabitants of the antarctic circle. ¶ But

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|| Thomas Jeffery, speaking of the usage the Negroes receive in the West Indies, says——“Nothing can be more wretched than the condition of this people.”—“In general a few roots, potatoes especially, are their food, and two rags, which neither screen them from the heat of the day, nor the extraordinary coolness of the night, all their covering; their sleep very short; their labour almost continual. They receive no wages, but have twenty lashes for the smallest fault.” Jeffery’s account of part of N. America.

Sir Hans Sloane, speaking of the punishment of the Negroes, says, “For rebellion, the punishment is burning them by nailing them down on the ground with crooked sticks on every limb, and then applying the fire by degrees from the feet and hands, burning them gradually up to the head, whereby their pains are extravagant. For crimes of a less nature, gelding, or chopping off half the foot with an axe.”—“For negligence, they are usually whipped by the overseers with lance-wood switches.—After they are whipped till they are raw, some put on their skins pepper and salt to make them smart; at other times their masters will drop melted wax on their skins, and use several very exquisite torments.” Introduction to the natural history of Jamaica, page 56.

¶ As an instance of the encouragement the Negroes, in the West-Indies, have for religious improvement, the reader will excuse us in inserting the following account

I forbear—The person that can imagine the practice of slavery in this country, considered in all it's consequences, connexions and tendencies, productive of the happiness of mankind, must, I think, allow, that the direct way to encrease their happiness is by every possible means to encrease their misery.

B. As you have not now disputed the truth of the principle, but joined with me in resting the argument upon a matter of fact, I shall no farther pursue the dispute, but leave that point to be determined by the judgment of others.

count of what lately happened at Barbadoes, quoted by the abovementioned author, (p. 79) from Morgan Godwyn a clergyman in that island.—“ A poor Negro “ having at his own request, prevailed on a clergyman “ to administer baptism to him ; on his return home, “ the brutish overseer took him to task, giving him to “ understand that, that was no Sunday’s work for those “ of his complexion, that he had other business for him, “ the neglect of which should cost him an afternoon’s “ baptism in blood, as he in the morning had received “ a baptism with water ; which he accordingly made “ good ; of which the Negro complained to him, and “ he to the governor. Nevertheless the poor miserable creature was ever after so unmercifully treated “ by that inhuman wretch, the overseer, that to a- “ void his cruelty, betaking himself to the woods, he “ there perished.”

THE END.

